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7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**  
9

10 UNITED STATES OF AMERICA,	)	
	)	
11 Plaintiff,	)	Case No. 2:01-CR-427-LRH(PAL)
	)	
12 v.	)	<b>MOTION FOR SUPPLEMENTARY</b>
	)	<b>PROCEEDINGS (EXAMINATION OF</b>
13 PETER BERNEY,	)	<b>JUDGEMENT DEBTOR)</b>
	)	
14 Defendant.	)	

15 The United States of America, by and through Daniel G. Bogden, United States Attorney, and  
16 Mark E. Woolf, Assistant United States Attorney, moves this Honorable Court for an order requiring  
17 defendant, Peter Berney, to appear before a United States Magistrate Judge at a time and place to be set  
18 by the court for examination supplementary to judgment pursuant to Rule 69 of Fed. R. Civ. P., 28  
19 U.S.C. § 3105, and N.R.S. 21.270. This motion is based upon the following points and authorities, the  
20 attached Declaration from Kim L. Bush and the pleadings and papers on file herein.  
21

22 The Federal Debt Collection Procedure Act is “the exclusive civil procedures for the United  
23 States ... to recover a judgment on a debt.” 28 U.S.C. § 3001(a) (1). A debt is an amount owed “to the  
24 United States on account of ... [an] other source of indebtedness to the United States ....” 28 U.S.C. §  
25 3002(3) (B). A judgment is “a judgment ... entered in favor of the United States in a court and arising  
26

1 from a ... criminal proceeding ....” 28 U.S.C. § 3002(8). A criminal money judgment against a defendant  
2 is a judgment entered as a debt in favor of the Government. *See* 28 U.S.C. §§ 3001(a) (1), 3002(3) (B)  
3 and (8), 3201, and 3202(a). The creation, duration, and renewal of judgment liens are part of Subchapter  
4 C. *See* 28 U.S.C. §§ 3201 and 3202(a). Since judgments include criminal money judgments, the  
5 judgment lien is good for 20 years and can be renewed for another 20 years. *See* 28 U.S.C. §§ 3002(8),  
6 3201, and 3202(a).

7  
8 DATED November 5, 2015.

9 DANIEL G. BOGDEN  
10 United States Attorney

11 /s/Mark E. Woolf  
12 MARK E. WOOLF  
13 Assistant United States Attorney  
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**DECLARATION**

**FOR MOTION FOR SUPPLEMENTARY PROCEEDINGS**  
**(EXAMINATION OF JUDGMENT DEBTOR)**

STATE OF NEVADA    )  
                                  )  
COUNTY OF CLARK    )

KIM L. BUSH, declares pursuant to 28 U.S.C. §1746 under penalty of perjury that the foregoing is true and correct.

1. I am a Legal Assistant in the Financial Litigation Unit for the United States Attorney's Office, District of Nevada. I have custody of the records in this office pertaining to this collection matter.
2. Judgment was entered, for the plaintiff and against defendant on, August 22, 2007, for the sum of \$488,200.00, together with interest thereon from the date of judgment and court costs.
3. Peter Berney resides within the jurisdiction of this Court.
4. The judgment has not been satisfied, vacated, reversed, or barred by the Statute of Limitations, and is one on which execution may properly issue.
5. The judgment remains unpaid.

/s/ Kim L. Bush  
KIM L. BUSH  
Legal Assistant  
Financial Litigation Unit

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, ) Case No. 2:01-CR-427-LRH(PAL)  
 )  
v. )  
 )  
PETER BERNEY, )  
 )  
Defendants. )

**ORDER FOR SUPPLEMENTARY PROCEEDINGS OF JUDGMENT  
DEBTOR EXAMINATION**

On plaintiff's motion and good cause appearing, the defendant, Peter Berney, is hereby  
Ordered to appear before the United States Magistrate in courtroom 3B, Lloyd D. George Federal  
Courthouse, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101, on the 12th  
day of November, 2015 at 9:00 a.m., to then and there answer upon oath concerning the  
property of the defendant and for such other proceedings as there may occur consistent with proceedings  
supplementary to execution.

It is further ordered that you, the defendant, bring to the hearing the following:

1. Your three most recent federal income tax returns with their attachments.
2. Copies of all personal and business financial statements concerning checking and savings accounts for the past twelve months.
3. A copy of the titles to all you and your spouses' vehicles, automobiles, boats, aircraft, etc
4. Copies of your earnings statements (i.e. paychecks) for the past twelve months.
5. Copies of your bills for the past twelve months to verify statements on the financial form.

1 It is further ordered that a copy of this order shall be served upon the defendant by the  
2 United States Marshall or private process service at least 14 calendar days before the  
3 hearing scheduled herein.

4 Failure to appear may subject you, the defendant, to punishment for contempt of court.  
5

6 DATED this 9th day of November, 2015.  
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9   
10 United States Magistrate Judge

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12 SUBMITTED BY:

13 DANIEL G. BOGDEN  
14 United States Attorney

15 /s/Mark E. Woolf  
16 MARK E. WOOLF  
17 Assistant United States Attorney  
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